**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 7394 of 1997**

**DATE: 19-02-2007**

Between :

Aduru Vengaiah,
Nellore District and 2 others.

… Petitioners

And

The District Collector-cum-District Executive,
Magistrate, Nellore and 4 others.

… Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 7394 of 1997**

**ORDER:**

The petitioners herein filed this writ petition aggrieved by the alleged action of the respondents in interfering with their mining operations pursuant to the lease granted under Section 11 of the Mines and Minerals Regulations and Development Act, 1957 in respect of Ac.63.05 cents in Sy.No.1,2,3/1 and 3/2 of Jogipally village, Sydapuram Mandal, Nellore District.

It is claimed by the petitioners that in terms of the lease granted in favour of M/s.Narayana Mining Company on 27-05-1994, for a period of 20 years, they are entitled to carry on the mining operations.

In the counter affidavit filed by the Joint Collector, Nellore, it is stated that even though the petitioners were granted mining lease, they have no legal title over the lands since the rythwari patta earlier granted by Settlement Officer on 30-05-1970 is under challenge before the Estate Abolition Tribunal, Nellore and the said case is still pending.

This Court, while directing Rule Nisi, directed both the parties to maintain status quo, which was made absolute by order dated 05-08-1999.

Though the stage of the proceedings pending before the Settlement Officer is not known, having regard to the undisputed fact that the petitioners were granted mining lease, without expressing any opinion as to the rival claims made by the parties,

the writ petition is disposed of with a direction to the respondents not to interfere with the petitioner's possession and enjoyment of the land in question without following due process of the law, as long as the mining lease granted in their favour is subsisting. No costs.

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G. ROHINI, J.

Dt. 19-02-2007
KLP